



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4439

Introduced 02/03/04, by Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

775 ILCS 5/1-102	from Ch. 68, par. 1-102
775 ILCS 5/1-103	from Ch. 68, par. 1-103
775 ILCS 5/3-102	from Ch. 68, par. 3-102

Amends the Illinois Human Rights Act. With respect to real estate transactions, prohibits discrimination on the basis of source of income. Effective immediately.

LRB093 18234 WGH 43933 b

1 AN ACT in relation to human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 1-102, 1-103, and 3-102 as follows:

6 (775 ILCS 5/1-102) (from Ch. 68, par. 1-102)

7 Sec. 1-102. Declaration of Policy. It is the public policy
8 of this State:

9 (A) Freedom from Unlawful Discrimination. To secure for all
10 individuals within Illinois the freedom from discrimination
11 against any individual because of his or her race, color,
12 religion, sex, national origin, ancestry, age, marital status,
13 physical or mental handicap, military status, or unfavorable
14 discharge from military service in connection with employment,
15 real estate transactions, access to financial credit, and the
16 availability of public accommodations.

17 (B) Freedom from Sexual Harassment-Employment and Higher
18 Education. To prevent sexual harassment in employment and
19 sexual harassment in higher education.

20 (C) Freedom from Discrimination Based on Citizenship
21 Status-Employment. To prevent discrimination based on
22 citizenship status in employment.

23 (D) Freedom from Discrimination Based on Familial Status or
24 Source of Income-Real Estate Transactions. To prevent
25 discrimination based on familial status or source of income in
26 real estate transactions.

27 (E) Public Health, Welfare and Safety. To promote the
28 public health, welfare and safety by protecting the interest of
29 all people in Illinois in maintaining personal dignity, in
30 realizing their full productive capacities, and in furthering
31 their interests, rights and privileges as citizens of this
32 State.

1 (F) Implementation of Constitutional Guarantees. To secure
2 and guarantee the rights established by Sections 17, 18 and 19
3 of Article I of the Illinois Constitution of 1970.

4 (G) Equal Opportunity, Affirmative Action. To establish
5 Equal Opportunity and Affirmative Action as the policies of
6 this State in all of its decisions, programs and activities,
7 and to assure that all State departments, boards, commissions
8 and instrumentalities rigorously take affirmative action to
9 provide equality of opportunity and eliminate the effects of
10 past discrimination in the internal affairs of State government
11 and in their relations with the public.

12 (H) Unfounded Charges. To protect citizens of this State
13 against unfounded charges of unlawful discrimination, sexual
14 harassment in employment and sexual harassment in higher
15 education, and discrimination based on citizenship status in
16 employment.

17 (Source: P.A. 87-579; 88-178.)

18 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

19 Sec. 1-103. General Definitions. When used in this Act,
20 unless the context requires otherwise, the term:

21 (A) Age. "Age" means the chronological age of a person who
22 is at least 40 years old, except with regard to any practice
23 described in Section 2-102, insofar as that practice concerns
24 training or apprenticeship programs. In the case of training or
25 apprenticeship programs, for the purposes of Section 2-102,
26 "age" means the chronological age of a person who is 18 but not
27 yet 40 years old.

28 (B) Aggrieved Party. "Aggrieved party" means a person who
29 is alleged or proved to have been injured by a civil rights
30 violation or believes he or she will be injured by a civil
31 rights violation under Article 3 that is about to occur.

32 (C) Charge. "Charge" means an allegation filed with the
33 Department by an aggrieved party or initiated by the Department
34 under its authority.

35 (D) Civil Rights Violation. "Civil rights violation"

1 includes and shall be limited to only those specific acts set
2 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104,
3 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this
4 Act.

5 (E) Commission. "Commission" means the Human Rights
6 Commission created by this Act.

7 (F) Complaint. "Complaint" means the formal pleading filed
8 by the Department with the Commission following an
9 investigation and finding of substantial evidence of a civil
10 rights violation.

11 (G) Complainant. "Complainant" means a person including
12 the Department who files a charge of civil rights violation
13 with the Department or the Commission.

14 (H) Department. "Department" means the Department of Human
15 Rights created by this Act.

16 (I) Handicap. "Handicap" means a determinable physical or
17 mental characteristic of a person, including, but not limited
18 to, a determinable physical characteristic which necessitates
19 the person's use of a guide, hearing or support dog, the
20 history of such characteristic, or the perception of such
21 characteristic by the person complained against, which may
22 result from disease, injury, congenital condition of birth or
23 functional disorder and which characteristic:

24 (1) For purposes of Article 2 is unrelated to the
25 person's ability to perform the duties of a particular job
26 or position and, pursuant to Section 2-104 of this Act, a
27 person's illegal use of drugs or alcohol is not a handicap;

28 (2) For purposes of Article 3, is unrelated to the
29 person's ability to acquire, rent or maintain a housing
30 accommodation;

31 (3) For purposes of Article 4, is unrelated to a
32 person's ability to repay;

33 (4) For purposes of Article 5, is unrelated to a
34 person's ability to utilize and benefit from a place of
35 public accommodation.

36 (J) Marital Status. "Marital status" means the legal status

1 of being married, single, separated, divorced or widowed.

2 (J-1) Military Status. "Military status" means a person's
3 status on active duty in the armed forces of the United States.

4 (K) National Origin. "National origin" means the place in
5 which a person or one of his or her ancestors was born.

6 (L) Person. "Person" includes one or more individuals,
7 partnerships, associations or organizations, labor
8 organizations, labor unions, joint apprenticeship committees,
9 or union labor associations, corporations, the State of
10 Illinois and its instrumentalities, political subdivisions,
11 units of local government, legal representatives, trustees in
12 bankruptcy or receivers.

13 (M) Public Contract. "Public contract" includes every
14 contract to which the State, any of its political subdivisions
15 or any municipal corporation is a party.

16 (N) Religion. "Religion" includes all aspects of religious
17 observance and practice, as well as belief, except that with
18 respect to employers, for the purposes of Article 2, "religion"
19 has the meaning ascribed to it in paragraph (F) of Section
20 2-101.

21 (O) Sex. "Sex" means the status of being male or female.

22 (O-5) Source of Income. "Source of income" means any lawful
23 income, subsidy, or benefit with which an individual supports
24 himself or herself and his or her dependents, including, but
25 not limited to, child support, maintenance, and any federal,
26 State, or local public assistance, medical assistance, or
27 rental assistance program.

28 (P) Unfavorable Military Discharge. "Unfavorable military
29 discharge" includes discharges from the Armed Forces of the
30 United States, their Reserve components or any National Guard
31 or Naval Militia which are classified as RE-3 or the equivalent
32 thereof, but does not include those characterized as RE-4 or
33 "Dishonorable".

34 (Q) Unlawful Discrimination. "Unlawful discrimination"
35 means discrimination against a person because of his or her
36 race, color, religion, national origin, ancestry, age, sex,

1 marital status, handicap, military status, or unfavorable
2 discharge from military service as those terms are defined in
3 this Section.

4 (Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)

5 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

6 Sec. 3-102. Civil Rights Violations; Real Estate
7 Transactions) It is a civil rights violation for an owner or
8 any other person engaging in a real estate transaction, or for
9 a real estate broker or salesman, because of unlawful
10 discrimination or familial status or source of income, to

11 (A) Transaction. Refuse to engage in a real estate
12 transaction with a person or to discriminate in making
13 available such a transaction;

14 (B) Terms. Alter the terms, conditions or privileges of a
15 real estate transaction or in the furnishing of facilities or
16 services in connection therewith;

17 (C) Offer. Refuse to receive or to fail to transmit a bona
18 fide offer to engage in a real estate transaction from a
19 person;

20 (D) Negotiation. Refuse to negotiate for a real estate
21 transaction with a person;

22 (E) Representations. Represent to a person that real
23 property is not available for inspection, sale, rental, or
24 lease when in fact it is so available, or to fail to bring a
25 property listing to his or her attention, or to refuse to
26 permit him or her to inspect real property;

27 (F) Publication of Intent. Print, circulate, post, mail,
28 publish or cause to be so published a written or oral
29 statement, advertisement or sign, or to use a form of
30 application for a real estate transaction, or to make a record
31 or inquiry in connection with a prospective real estate
32 transaction, which expresses any limitation founded upon, or
33 indicates, directly or indirectly, an intent to engage in
34 unlawful discrimination;

35 (G) Listings. Offer, solicit, accept, use or retain a

1 listing of real property with knowledge that unlawful
2 discrimination or discrimination on the basis of familial
3 status in a real estate transaction is intended.

4 (Source: P.A. 86-910.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.